

Message Text

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SUBJECT: ARBITRATION AGREEMENTS WITH THE SOVIET CHAMBER OF COMMERCE

REF: STATE 144667

1. WE DISCUSSED INDIAN-USSR BILATERAL ARBITRATION AGREEMENT WITH OFFICIALS OF THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY (FICCI), PRIVATE TRADERS WHICH DO SUBSTANTIAL BUSINESS WITH THE USSR AND WITH OFFICIALS OF THE STATE TRADING CORPORATION.

2. THE AGREEMENT RECOMMENDS THAT PARTIES INCLUDE IN THEIR COMMERCIAL CONTRACTS AN ARBITRATION CLAUSE WHICH PROVIDES FOR THE SETTLEMENT OF DISPUTES BY ARBITRATION; ARBITRATION BY THE FOREIGN TRADE ARBITRATION COMMISSION UNDER THE USSR CHAMBER OF COMMERCE IF THE DEFENDANT IS A SOVIET FTO; ARBITRATION BY THE ARBITRATION TRIBUNAL OF FICCI IF THE DEFENDANT IS AN INDIAN PHYSICAL OR JURIDICAL PARTY; AND THAT THE AWARD OF THE ARBITRATION PANEL BE BINDING ON BOTH PARTIES. COPIES OF THE AGREEMENT HAVE BEEN AIR POUCHED TO STATE/MORLEY AND COMMERCE/ADERHOLD.

3. FICCI'S ARBITRATION TRIBUNAL NOW HAS ABOUT 100 CASES BEFORE IT INVOLVING FOREIGN COUNTRIES. ABOUT 80 PERCENT OF THESE CASES EMANATE FROM POLAND, USSR, GDR AND OTHER EAST EUROPEAN COUNTRIES. NO STATISTICS ARE MAINTAINED ON DISPUTES WHICH ARE AMICABLY RESOLVED BEFORE THEY GO TO ARBITRATION. VIRTUALLY ALL COMMERCIAL CONTRACTS WITH THE USSR AND OTHER EAST EUROPEAN COUNTRIES CONTAIN THE RECOMMENDED ARBITRATION CLAUSE OR THE SUBSTANCE OF IT. INCLUSION OF THE CLAUSE IS AT THE INITIATIVE OF EITHER PARTY AND WE FIND NO UNCLASSIFIED

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EVIDENCE THAT SOVIET FTO'S ATTEMPT TO FORCE THE INCLUSION OF THE

ARBITRATION CLAUSE ON INDIAN PARTIES. NOR IS THERE EVIDENCE THAT
INDIAN PARTIES FIND THE CLAUSE OFFENSIVE.SAXBE

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